CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

EDIXON FRANCO,
 	
    Plaintiff and Appellant,
 	
    v.
 	
ATHENS DISPOSAL COMPANY, INC.,
 	
    Defendant and Respondent.
	B203317
	
	(Los Angeles County
	Super. Ct. No. BC369201)
	
	ORDER MODIFYING OPINION
	
	[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed on March 10, 2009, be modified as follows:

1. On page 2, in the first sentence of the third full paragraph, which begins, "We conclude that the class arbitration waiver is unconscionable with respect to," replace "unconscionable" with "invalid."

2. On page 2, in the first sentence of the fourth full paragraph, which begins, "Thus, the arbitration agreement is unconscionable in more than one respect," replace "unconscionable" with "invalid."

3. On page 8, in the first sentence of the second full paragraph ("The party opposing arbitration has the burden . . . is unconscionable."), replace "unconscionable" with "invalid."

4. On page 8, in the second full paragraph (which begins "The party opposing arbitration has the burden"), in the citation that immediately follows the first sentence, insert "See" between the left parenthesis and "*Brown v. Wells Fargo Bank, NA*" so the corrected citation will begin:

(See *Brown v. v. Wells Fargo Bank, NA*

5. On page 8, in the second full paragraph (which begins "The party opposing arbitration"), in the second sentence (which begins "[T]o the extent the trial court's determination"), replace "[not] unconscionable" with "[valid]" so the corrected sentence will begin:

"[T]o the extent the trial court's determination that the arbitration agreement was [valid] turned on the resolution of conflicts in the evidence

6. On page 27, in the first full paragraph (which begins "Here, under the arbitration agreement, Athens sought"), in the last sentence ("Thus, the prohibition of private attorneys general is unconscionable."), replace "unconscionable" with "invalid."

There is no change in the judgment.
CERTIFIED FOR PUBLICATION.

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MALLANO, P. J.   ROTHSCHILD, J.   BAUER, J.*

*Judge of the Orange County Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.